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Attorneys for Intervenor Insurers on  
Behalf of Their Suspended Insured Plant  
Products &  
Supply Co.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL R. MARCUS and  
VICTORIA L. MARCUS,

Plaintiffs,

v.

AIR & LIQUID SYSTEMS  
CORPORATION, et.al.,

Defendants.

4:22-cv-09058-HSG

[Alameda County Superior Court Case  
No.:22CV021840]

District Judge: Hon. Haywood S.  
Gilliam

**STIPULATION AND ORDER  
ALLOWING INTERVENOR INSURERS  
LEAVE TO FILE ANSWER IN  
INTERVENTION**

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: None

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD  
HEREIN:**

Proposed Intervenor Insurers Granite State Insurance Company, Federal Insurance  
Company, Northwestern Pacific Indemnity Company, Great American Insurance Company and  
United States Fire Insurance Company ("Intervenors") on behalf of their suspended insured PLANT  
PRODUCTS & SUPPLY CO. ("Plant Products") and Plaintiffs MICHAEL R. MARCUS and

1 VICTORIA L. MARCUS ("Plaintiffs"), by and through their attorneys of record hereby stipulate as  
2 follows:

3       **WHEREAS** Plaintiffs filed their Personal Injury Complaint in Superior Court of Alameda  
4 on November 15, 2022.

5       **WHEREAS** Plant Products lacks the capacity to defend itself in this lawsuit because its  
6 corporate license has been suspended by the California Secretary of State.

7       **WHEREAS** Plant Products was a small family-owned corporation that ceased doing  
8 business in the decade of the 1980s. Plant Products, having been out of business for many years, is  
9 insolvent and there is, therefore, no money to reinstate the corporation.

10       **WHEREAS** Counsel for Plant Products became aware of its suspended corporate status and  
11 is now required to take steps to protect the interests of Plant Products and its insurers from the  
12 suspension which rendered Plant Products incapable of defending itself from multiple lawsuits filed  
13 against it alleging decades-old asbestos exposure.

14       **WHEREAS** Plant Products was insured for liability by the following insurers: Granite State  
15 Insurance Company, Federal Insurance Company, Northwestern Pacific Indemnity Company, Great  
16 American Insurance Company and United States Fire Insurance Company ("Insurers").

17       **WHEREAS** Insurers desire to intervene in order that Plant Products can defend itself from  
18 the claims, and to avoid defaults being taken in cases where Plant Products is currently or may in  
19 the future be made a party. Insurers will be irreparably harmed unless they are granted immediate  
20 leave to file a Complaint in Intervention on behalf of Plant Products.

21       **WHEREAS** Defendant Green, Tweed & Co., Inc. removed this case to federal court on  
22 December 21, 2022 before Intervenor could file their complaint in intervention.

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1       **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and through  
2 the parties hereto, by their respective counsel, that Plaintiffs will not oppose Intervenor, pursuant  
3 to the terms of their respective insurance policies and solely in their capacities as insurers to Plant  
4 Products to file an Answer in Intervention pursuant to Federal Rule of Civil Procedure No. 24.

5       **IT IS FURTHER STIPULATED THAT** Plaintiffs will not oppose the Answer in  
6 Intervention to constitute Plant Products' response to Plaintiffs' Complaint.

7       **IT IS FURTHER STIPULATED THAT** during trial, Intervenor will be referred to by the  
8 named of their insured, PLANT PRODUCTS & SUPPLY CO.

9       **IT IS SO STIPULATED.**

10  
11 DATED: April 4, 2023

BERKES CRANE SANTANA & SPANGLER LLP

12  
13 By: 

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15 VIU SPANGLER  
16 TAYLOR M. MATSUMOTO  
17 Attorneys for Intervenor Insurers on Behalf of  
18 Their Suspended Insured Plant Products &  
19 Supply Co.

20 DATED: April 4, 2023

MAUNE RAICHEL HARTLEY FRENCH &  
MUDD, LLC

21 By: 

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23 DAVID L. AMELLE  
24 RABIAH N. ORAL  
25 Attorneys for Plaintiffs  
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**ORDER**

**FOR GOOD CAUSE SHOWN** this Court **ORDERS** as follows:

(a) Intervenor, pursuant to the terms of their respective insurance policies and solely in their capacities as insurers to Plant Products shall have leave to file an Answer in Intervention pursuant to Federal Rule of Civil Procedure No. 24.


(b) The Answer in Intervention by Intervenor shall constitute the Answer of Plant Products to Plaintiffs' Complaint.

(c) Intervenor shall have leave of the Court to appear in this action under the name of their insured, PLANT PRODUCTS & SUPPLY CO.

**IT IS SO ORDERED.**

DATED: April 6, 2023

By:

  
Hon. Haywood S. Gilliam, Jr.  
United States District Judge